



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 2769, **Version:** 1

Subject:

Public Hearing Re: Amending Brevard County Code Chapter 62, Article VI Zoning Regulations, Section 62-2118, Regarding Measurement Point for Dock Projection and Clear Navigable Zone between Docks at Residential Properties.

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider the draft ordinance amending Brevard County Code Chapter 62, Article VI Zoning Regulations, Section 62-2118 to establish measurement points for dock projection and clear navigable zones between docks at residential properties.

Summary Explanation and Background:

On October 27, 2020, the Brevard Board of County Commissioners directed Planning and Development staff to draft a report with proposed code revisions to address dock-related issues throughout the County. On January 26, 2021, the Board granted legislative intent and permission to advertise a code amendment to the residential code requirements establishing measurement points for allowable dock projection into waterways; and identifying clear, navigable zones between docks at residential property lines.

The proposed amendment in Section 62-2118(d)(3) clarifies that the 20 percent projection calculation is based on the waterway width as depicted on a recorded instrument, such as plat or easement. Further, proposed language identifies measurement of allowable dock projection begins at the property line, as surveyed. Where the property line extends into the waterway, two scenarios may be encountered as follows.

- Where the property is non-bulkheaded, measurement may begin from the buffer establishment line, safe upland line, mean high-water line or ordinary high-water line, as indicated on the applicant's survey.
- Where the property line extends into the waterway, and the property is bulkheaded, measurement shall begin from the face of the seawall or bulkhead.

The proposed amendment to Section 62-2118(d)(2), creates a clear area that prevents the placement of navigation or dredging obstruction (e.g., mooring boats/watercraft, crab/fish traps, etc.) which are not

considered to be regulated by setbacks.

Proposed ordinance language creates the following definition and prohibits “waterway encroachment” in the seven and one-half (7.5) foot side property line setback.

Waterway encroachment includes, but is not limited to, buoys, crustacean or fish traps, nets, oyster mats and gardens, floating and inflatable docks, rafts, platforms and mats, fishing poles and equipment, boating accessories, parts, and attachments, boards, rocks not part of a revetment, vegetation not including mangroves regulated by the Florida Department of Environmental Protection, or any other object that could potentially impede navigation.

Additionally, several definitions are proposed to be added to the Code mirroring the definitions found in other County Codes. Lastly, nonconforming dock language has been provided in the attached ordinance for existing docks that do not meet the proposed requirements. Such docks would be considered legally nonconforming until replaced or structurally repaired by more than fifty (50) percent.

On March 10, 2021, the Building Construction Advisory Committee heard the proposed ordinance and unanimously recommended approval.

On March 22, 2021, the Local Planning Agency heard the proposed ordinance and unanimously recommended approval.

Clerk to the Board Instructions:

Within 10 days of adoption, please file certified copy of ordinance with the Department of State, and return a certified copy of the filed ordinance to Planning and Development.